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November 7, 2018

Via ECF

Magistrate Judge Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East, 505 North
Brooklyn, NY 11201

Re: Monadnock Construction, Inc. v. Westchester Fire Ins. Co., et al.
16-cv-00420 (JBW)(VMS)

Dear Judge Scanlon:

This firm represents plaintiff Monadnock Construction Inc. (“Monadnock”). I am writing in response to Your Honor’s Scheduling Order dated November 6, 2018, specifically regarding my firm’s absence from the conference held on November 1, 2018.

On or about August 10, 2018, Monadnock entered into a settlement agreement pursuant to which claims between Monadnock, on the one hand, and Glasswall LLC (“Glasswall”) and third-party defendant Ugo Colombo, on the other hand, were dismissed. Counsel for Glasswall and Mr. Colombo notified the Court of the settlement by letter dated August 14, 2018. (ECF 125). A Stipulation of Discontinuance with Prejudice with respect to those claims was filed that same day and “so-ordered” by Judge Jack B. Weinstein on August 20, 2018. (ECF 129). The settlement entailed, *inter alia*, an assignment by Monadnock to MD Holding LLC (“MD Holding”), of any remaining claims in this action. We believed that counsel for MD Holding had filed an appearance in the action and was participating at the conference on behalf of that entity. Hence, we did not believe that our appearance at the conference was required.

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We now understand that counsel for the assignee has not yet filed an appearance in the case. Thus, we apologize for any confusion or inconvenience caused when my firm did not appear at the November 1, 2018 conference. We understand that a conference has been scheduled with the Court for November 27, 2018 at 11:00 A.M. However, I have a prior court appearance scheduled for 9:30 a.m. that day in Manhattan and respectfully request that I be permitted to participate via telephone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Weintraub', with a stylized, flowing script.

Evan Weintraub

cc: All Counsel (via ECF)